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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,503	04/11/2001	Thomas E. Benim	DP6945 US NA	2453

23906 7590 12/11/2002

E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1128
4417 LANCASTER PIKE
WILMINGTON, DE 19805

EXAMINER

RHEE, JANE J

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 12/11/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

AS10

Office Action Summary

Applicati n No.

09/832,503

Applicant(s)

BENIM ET AL.

Examiner

Jane J Rhee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 18 and 19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 18 and 19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. The term "CLO" in claim 1 is a relative term which renders the claim indefinite. The term "CLO" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-6, 8-9, 11, 18-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Barre (6286872).

Barre discloses an insulating label stock comprising an insulating layer (col. 2 lines 28-30) laminated to a face material (col. 2 lines 17-19) wherein the label stock has a thickness greater than 0.0075 inch and less than 0.07 inch (col.

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2 lines 17-42). Barre discloses that the face material comprises paper or film (col. 2 line 18) and that the insulating layer comprises fiberfill batt (col. 2 lines 28-30). Barre discloses a coating on the face material wherein the coating is printable (col. 2 lines 64-67, col. 3 lines 1-11). Barre discloses that the label stock is sealed at its edges (figure 1 number 9 and 5). Barre discloses that the film is made of a thermoplastic material comprising polyethylene or polypropylene (col. 2 lines 17-18). Barre discloses that the face material is modified on the surface facing away from the thermal insulating layer to facilitate bonding to another surface with an adhesive (figure 1 number 2 and 9). Barre discloses that the thermal insulating layer comprises an organic thermoplastic fiber based material comprising polyester, polyethylene or polypropylene (col. 2 lines 28-30). Barre discloses an insulating label stock comprising a thermal insulating layer (figure 1 number 2) which is laminated to at least one sheet of coextruded film which comprises a first layer and a second layer wherein the first layer and the second layer are made of different materials and the second layer has a lower melting temperature than the material of the first layer (figure 1 numbers 9 and 4). Barre discloses that the label stock has a thickness in the range of 0.01 inch and 0.04 inch (col. 2 lines 20-21 and 38-39).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

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said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barre in view of Pusateri et al. (6379764).

Barre discloses the insulating label stock described above. Barre fail to disclose that the face material is modified on the surface facing away from the thermal insulating layer to facilitate printing thereon and that the thermal insulating layer comprises foam. Pusateri et al. teaches that the face material is modified on the surface facing away from the thermal insulating layer to facilitate printing thereon (col. 4 lines 31-33) to further emphasize information printed on the advertisement on the page where the repositionable sheet is adhered (col. 4 lines 33-34) and that the thermal insulating layer comprises foam (col. 4 lines 52-53) since it's a material which is not so porous as to allow the binder material to permit the backing and prevent a supporting anchoring film from being maintained (col. 4 lines 42-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided Barre with the face material that is modified on the surface facing away from the thermal insulating layer to facilitate printing thereon to further emphasize information printed on the advertisement on the page where the repositionable sheet is adhered and that the thermal insulating layer comprises foam since it's a material which is not so porous as to allow the binder material to permit the backing and prevent a supporting anchoring film from being maintained (col. 4 lines 42-45) as taught by Pusateri et al.

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Response to Arguments

Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jane J Rhee whose telephone number is 703-605-4959. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 703-308-4251. The fax


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phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Jane Rhee
December 3, 2002



HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

12/10/02